IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY**

**and**
**THE HON'BLE MR JUSTICE K.C. BHANU**

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**W.P. Nos. 25757, 26425, 26429, 26497, 26586, 26613, 26614,**

**26726, 26825, 27041, 27048, 27137, 27247 and 27372 of 2003;**

**W.P.Nos. 413, 503, 1721 of 2004**
**AND**
**W.A. Nos. 1406, 1469 and 1773 of 2004.**

**WRIT PETITION NO : 25757 of 2003**

Between:

**Chandramma Educational Society,**
**rep. by its President Ch. Malla Reddy,**
**S/o. Ch. Malla Reddy, R/o. Jayanagar Colony,**
**Bowenpally, Secunderabad.**

... PETITIONER

**AND**

**1. Government of A.P., rep. by its Principal Secretary,**
**Higher Education Department, Secretariat Buildings,**
**Saifabad, Hyderabad.**
**2. Commissioner for Technical Education, Govt. of A.P.,**
**Hyderabad.**
**3 All Indian Council for Technical Education, Rep. by its**

**Secretary, Indira Gandhi Sports Complex,**
**I.P. Estate, New Delhi.**

.RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ, order, direction more particularly one in the nature of writ of Mandamus declaring the policy decision issued by the 1st respondent by Memo No. 8972/EC.2/2003-1, dated
13-10-2003 and in particular the fixation of the date as
16-8-2002 for completion of construction as being illegal, arbitrary, unconstitutional and consequently direct the respondents to permit the petitioner to start an Engineering College for the academic year 2004-2005.

**Counsel for the Petitioner:MR.S.NIRANJAN REDDY**

Counsel for the Respondent No.3: MR.S.SATYANARAYANA PRASAD

**Counsel for the Respondent Nos.1 and 2: GP FOR HIGHER EDUCATION FOR R1 & 2**

WRIT PETITION NO : 26425 of 2003

Between:

1. Pharma-Care Educational Society,
Redg.No.1452/2003 at 1-8-79, Balasamudram,
Hanamkonda, Warangal District, rep. by its
Correspondent, D.Sudheer Kumar, S/o Vasudeva Rao,
aged 37 years, R/o 1-8-79, Balasamudram,
Hanamkonda, Warangal District.
2. Care College of Pharmacy at Oglapur Village, Atmakur
Mandal, Warangal District, rep. by its Correspondent,
D.Sudheer Kumar, S/o Vasudeva Rao,
aged 37 years R/o 1-8-79, Balasamudram.

.. PETITIONERS

AND

1. Govt. of A.P. Rep. by its Principal Secretary,
Higher Education Department, Secretariat,
Hyderabad.
2. Commissioner of Technical Education, Govt. of A.P.
at Hyderabad.
3. All India Council for Technical Education,
Indira Gandhi Sports Complex, I.P. Estate,
New Delhi 110002, rep. by its Member Secretary.
4. Blue Bird Education Society at 3-1-490,
Raipura Village, Hanamkonda,

Warangal District rep. by its Correspondent

.RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate Writ, Order or direction, declaring the action of the respondents 1 and 2 in not issuing No Objection Certificates to the petitioners as illegal, arbitrary and contrary to the provisions of AICTE Act by directing the 1st respondent to issue NO Objection Certificate to the petitioners and consequently direct the 3rd respondent to consider the application of the petitioners for establishing 2nd petitioner college along with the 4th respondent college for establishing a College of Pharmacy without insisting for production of No Objection Certificate from the 1st respondent.

**Counsel for the Petitioner:MR.K.RAGHUVEER REDDY**

**Counsel for the Respondents 1 & 2: GP FOR EDUCATION**

**Counsel for the respondent No.3: Mr. S.S. Prasad**

**Counsel for the respondent No.4: Mr. M.M.Firdos**

WRIT PETITION NO : 26429 of 2003

Between:

1. Sri Shiridi Sai Educational Society, rep by its Coresspondent, R.Narasimha Reddy,
   Nallabelly Village and Mandal Warangal Distrcit,
   s/o Malla Reddy, Nallabelly Village & Mandal Warangal District
2. Arabindo College of Pharmaceutical Sciences, rep by its Correspondent, R.Narasimha Reddy
   s/o Malla Reddy, Machapur Village, Gesugonda Mandal, warangal District, r/o Nallabelly Village & Mandal, Warangal District

.. PETITIONERS

AND

1. The Government of AP, rep by its Principal Secretary,
   Higher Education Department, Secretariat,
   Hyderabad
2. Commissioner of Technical Education Govt. of AP, at Hyderabad
3 All India Council for Technical Education, Indira Gandhi Sports Complex, I.P. Estate, New Delhi 110 002, rep by its Member Secretary.
4. Blue Bird Education Society at 3-1-490, Raipur Village,
   Hanumakonda, Warangal, rep by its Correspondent

.RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ of mandamus, or any appropriate writ, order or direction, declaring the action of the respondents 1 and 2 in not issuing No Objection Certificates to the petitioner as illegal, arbitrary and contrary to the provisions of AICTE Act by directing the 1st respondent to issue No Objection Certificates to the petitioners and consequently direct the 3rd respondent to consider the application of the petitioners for establishing 2nd petitioner college along with the 4th respondent college for establishing a college of Pharmacy without insisting for production of No Objection certificate from the 1st respondent.

**Counsel for the Petitioner: MR.K.RAGHUVEER REDDY**

**Counsel for the Respondents 1 & 2: GP FOR EDUCATION**

Counsel for the respondent No.3: Mr. S.S. Prasad

Counsel for the respondent No.4: Mr. M.M.Firdos

**WRIT PETITION NO : 26497 of 2003**

Between:

Johnson Educational Society,

Yellapur, Hasanparthy Mandal,

Warangal represented by its President,

Ch.Devender Reddy, S/o.Raji Reddy,

Hanamkonda, Warangal District.

... PETITIONER

**AND**

1. **Government of Andhra Pradesh,**
   **Department of Higher Education Department,**

**represented by its Principal Secretary,**
**Secretariat buildings, Saifabad, Hyderabad**
2. **The Commissioner of Technical Education,**

**Government of Andhra Pradesh, BRKR Bhavan, Hyderabad**
**3. All India Council for Technical Education, represented by its Secretary, Indira Gandhi Sports Complex, I.P. Estate, New Delhi 110 002,**
**4. Blue Bird Educational Society, represented by its Secretary,**

**Mr.Zakir Hussain, Residing at H.No.3-1-490, Raipura, Hanamkonda, Warangal.**

.RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ of mandamus, or any appropriate writ, order or direction, declaring the Memo No.8972-D/E.C.2/2003-1, dated 13-12-2003 of the 1st respondent as illegal, arbitrary, illegal, without jurisdiction and unconstitutional and violative of fundamental principles of natural justice consequently direct the respondents to issue permission to the petitioner for starting Saint John College of Pharmacy at Yellapur, Hasanparthy Mandal, Warangal District, for the academic year 2004-05.

**Counsel for the Petitioner:MR.KOKA RAGHAVA RAO**

**Counsel for the Respondent Nos.1 & 2: GP FOR HIGHER EDUCATION**

Counsel for the respondent No.3: Mr. S.S. Prasad

Counsel for the respondent No.4: Mr. M.M.Firdos

**WRIT PETITION NO : 26586 of 2003**

Between:

**1. Viswambhara Educational Society, (Reg. No.1305 of 1993) at 2-2-45/3, Ramnagar, Hanamkonda, Warangal District, rep. by its Chairman, C. Janga Reddy.**
**2. Vaagdevi Institute of Pharmaceutical Sciences, Bollikunta, Warangal District, rep. by its Chairman C. Janga Reddy.**

. .PETITIONERS

**AND**

**1. Government of Andhra Pradesh,Rep.by its Principal Secreatary Higher Education Department, at Secretariat, Hyderabad.**

**2. Commissioner of Technical Education, Government of Andhra Pradesh at Hyderabad.**
**3. All India Council for Technical Education, Indira Gandhi Sports Complex, I.P. Estate, New Delhi, rep. by its Member Secretary.**
**4. Blue Bird Education Society, at 3-1-490, Raipura Village, Hanamkonda, Warangal District rep. by its Correspondent.**

.RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or Writs, Order or Direction declaring the action of the Respondents No. 1 & 2 in not issuing No Objection Certificates to the petitioners, as illegal, arbitrary and contrary to the provisions of AICTE Act by directing the first respondent to issue No Objection Certificate to the petitioners and to consequently direct the third respondent to consider the application of the petitioners for establishing 2nd petitioner college along with the fourth respondent college for establishing a College of Pharmacy without insisting for production of No Objection Certificate from the first respondent; Award costs

**Counsel for the Petitioner:MR.K.RAGHUVEER REDDY**

**Counsel for the Respondents 1 and 2: GP FOR EDUCATION**

Counsel for the respondent No.3: Mr. S.S. Prasad

Counsel for the respondent No.4: Mr. M.M.Firdos

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**WRIT PETITION NO : 26613 of 2003**

Between:

**1. Vagdevi Education Society, C/o Jayanthi Gurukulam Near Milk Factory, Gurajala Post & Mandal, Guntur District, rep. by its Secretary H.Nagendram.**
**2. H.Nagendram, s/o Venkatappaiah, R/o Gurazala Post and Mandal, Guntur District.**

.. PETITIONERS

**AND**

**1. Government of A.P., Department of Higher Education**
**rep. by its Principal Secretary, Secretariat, Saifabad,**
**Hyderabad.**
**2. Commissioner of Technical Education,**
**Government of A.P. BRKR Bhavan,**
**7th Floor, Hyderabad.**
**3. All India Council for Technical Education**
**rep.by its Secretary, Indira Gandhi Sports Complex,**
**I.P.Estate, New Delhi - 110002.**

.RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in recommending to the 3rd respondent the rejection of the petitioners application for issuance of an NOC for starting a college of Pharmacy at Gangavaram Village, Gurajala Post & Mandal, Guntur District on the basis of its Memo No.8972-D/EC/2-2003-1 dated 13-12-2003 as being arbitrary, illegal and unconstitutional and further declare the consequential action of the 3rd respondent in not processing and considering the petitioners application for starting the said college as being illegal, arbitrary and unconstitutional apart from ultra vires the AICTE Act, 1987 and the Regulations made thereunder and consequently direct the respondents to grant approval to the petitioner for starting the said college of pharmacy at Gangavaram Village, Gurjala post and Mandal, Guntur District.

**Counsel for the Petitioner:MR.C.V.MOHAN REDDY**

**Counsel for the Respondents: GP FOR EDUCATION**

**WRIT PETITION NO : 26614 of 2003**

Between:

**1. Jehovah Jireh Society, 6-816/2, Khairatabad,**
**Hyderabad, 1st floor, Plot No.115, Vysya Bank Building**
**Beside Center, point hotel, Manovikas Nagar,**
**Secunderabad rep.by its Secretary P.Suvarchala sasikiran**
**2. P.Suvarchalasasikiran, D/o.P.Potharaju, R/o.Hyderabad,**

. PETITIONERS

**AND**

**1. Government of A.P., Department of Higher Education, rep. by its Principal Secretary, Secretarait,Saifabad, Hyderabad.**
**2. Commissioner of Technical Education, Government of A.P., BRKR Bhavan, 7th floor, Hyderabad.**
**3. All India Council for Technical Education, rep. by its Secretary, Indira Gandhi Sports Complex, I.P.Estate, New Delhi 110002.**

.RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature o writ of mandamus declaring the action of the 1st respondent in recommending to the 3rd respondent the rejection of the petitioners application or issuance of an NOC for starting a college o Pharmacy at Maheswaram village R.R.District on the basis of its Memo No.8972-D/EC.2/2003-1 dated 13.12.2003 as being arbitrary, illegal and unconstitutional and further declare the consequential action o the 3rd respondent in not processing and considering the petitioners application or starting the said college as being illegal, arbitrary and unconstitutional apart from ultra vires the AICTE Act, 1987 and the Regulations made thereunder and consequently direct the respondents to grant approval to the petitioner or starting the said college o pharmacy at Maheshwaram village, R.R.district.

**Counsel for the Petitioner:MR.C.V.MOHAN REDDY**

**Counsel for the Respondents : GP FOR HIGHER EDUCATION**

**WRIT PETITION NO : 26726 of 2003**

Between:

**1. Hyndhavi Educational Society, 1-10-79/1, Mirrakunz, Grain Market Road, Jangaon, Warangal District, rep.by its Correspondent, E.Prabhakar Reddy.**
**2. Vidya Bharathi Institute of Pharmacy (Degree), Pembarthi Village, Jangaon Mandal, Warangal District rep.by its Correspondent, E.Prabhakar Reddy.**

.. PETITIONERS

**AND**

**1. Government of Andhra Pradesh rep. by its Principal Secretary, Higher Education Department, at Secretariat, Hyderabad.**

**2. Commissioner of Technical Education,**
**Government of Andhra Pradesh at Hyderabad.**
**3. All India Council for Technical Education,**
**Indira Gandhi Sports Complex, I.P.Estate,**
**New Delhi rep.by its Member Secretary.**
**4. Vikas College of Pharmacy, Shamirpet Village,**
**Jangaon Mandal, Warangal District**
**rep.by its Correspondent.**

.RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or Writs, Order or Direction declaring the action of the respondents No.1 & 2 in not issuing No Objection Certificates to the petitioners, as illegal, arbitrary and contrary to the provisions of AICTE Act by directing the first respondent to issue No Objection Certificate to the petitioners and to consequently direct the third respondent to consider the application of the petitioners for establishing 2nd petitioner college along with the fourth respondent college for establishing a college of Pharmacy without insisting for production of No Objection Certificate from the first respondent; Award Costs

**Counsel for the Petitioner:MR.K.RAGHUVEER REDDY**

**Counsel for the Respondents 1 AND 2: GP FOR EDUCATION**

Counsel for the respondent No.3: Mr. S.S. Prasad

Counsel for the respondent No.4: Mr. M.M.Firdos

**WRIT PETITION NO : 26865 of 2003**

Between:

**Ya Fatima Educational Society, 6-3-1099/1/6/A, Fatima Complex, Somajiguda, Raj Bhavan Road, Hyderabad rep., by Chairman/Correspondent**
**Dr s. Askari Hasan.**

..... PETITIONER

**AND**

**1 Government of A.P, rep. by its Principal Secretary, Higher Education Dept,**
**Secretariat Buildings, Saifabad, Hyderabad.**
**2 All Indian Council for Technical Education, Rep. by its Secretary, Indira Gandhi Sports Complex, I.P.Estate, New Delhi.**
**3 Commissioner for Technical Education, Govt. of A.P, Hyderabad**

.....RESPONDENTS.

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order, declaring the action of the respondents 1 and 2 in rejecting a no objection certificate to the petitioner on the basis of its Memo dated 13-10-2003 and 13-12-2003 as being illegal, arbitrary and unconstitutional and further declare the action of the 3rd respondent in not processing the petitioner's application on the basis of such recommendation of the State Government as being arbitrary, unconstitutional and contrary to the AICTE Act and Regulations and consequently direct the respondents to grant permission to the petitioner for starting College of Engineering at Shankarpally Road, Gollapally Village, Chevella Mandal, Ranga Reddy District without reference to the recommendation of the State Government based on its Memo dated 13-10-2003 and 13-12-2003.

**Counsel for the Petitioner: MR.S.NIRANJAN REDDY**

**Counsel for the Respondents 1 & 3: GP FOR HIGHER EDUCATION**

**Counsel for the respondent No.2: Mr. S.S. Prasad.**

**WRIT PETITION NO : 27041 of 2003**

Between:

**Lakkakula Educational Society (Regn.No.1202/1986) 12-11-100, Namalagundu, Seethaphalmandi, Secunderabad -61, rep.by its Secretary, Dr.Suryaprakasa Rao.**

..... PETITIONER

**AND**

**1 The State of Andhra Pradesh rep.by its Principal Secretary to Government, Higher Education Department,**
**Secretariat Buildings, Hyderabad.**
**2 The All India Council for Technical Education, I.P.Estate, New Delhi.**
**3 The Commissioner of Technical Education, Andhra Pradesh, Hyderabad.**

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to for the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to declare the policy of the 1st respondent in regard to issuance of No Objection Certificates for establishment of Pharmacy Colleges for the academic year 2004-2005 as communicated vide impugned Memo No.8972/EC.2/2003-1 dated 13-10-2003 and further modified vide impugned proceeding 8972-D/EC.2/2003-1 dated 13-12-2003 including the consequential

rejection of No Objection Certificate to the petitioner by the 1st respondent as contained in the impugned proceeding dated 14-12-2003 as arbitrary, illegal and irrational, offending Article 14 of the Constitution of India by way of issuance of a Writ, Order or direction, one more particularly in the nature of Writ of Mandamus and issue a consequential direction to the respondents to grant NOC and approval to the petitioners proposal made vide application No.101 dated 15-10-2003 for the academic year 2004-2005.

**Counsel for the Petitioner: MR.B.VIJAYA BHASKER**

**Counsel for the Respondents 1 & 3: GP FOR HIGHER EDUCATION**

Counsel for the respondent No.2: Mr. S.S. Prasad

**WRIT PETITION NO : 27048 of 2003**

Between:

**Don Bosco Education Society (Regn.NO.6301/2000)**
**5th Mile, Pulladigunta, Kornepadu Village,**
**Vatticherukuru Mandal, Guntur.**

... PETITIONER

**AND**

**1. The State of Andhra Pradesh,**
**rep. by its Prl.Secretary to Govt.,**

**Higher Education Department, Secretariat Buildings,**
**Hyderabad.**
**2. The All India Council for Technical Education,**
**I.P.Estate, New Delhi.**
**3. The Commissioner of Technical Education,**
**Andhra Pradesh, Hyderabad.**

.RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to declare action of the 1st respondent in modifying the policy in regard to issuance of No objection certificates for pharmacy Colleges for the academic

year 2004-2005 vide impugned proceedings 8972-D/EC.2/2003-1 dated 13-12-03 and the consequential rejection of the NOC to the petitioner society for establishment of a Pharmacy College in the name and style of DON Bosco PG College, Vatticheruku Mandal, Guntur Dist. Vide impugned proceeding dt.14-12-2003 addressed by the 1st respondent to the 2nd respondent as arbitrary, illegal and irrational, offending Article 14 of the Constitution of India by way of issuance of a writ, order or direction, one more particularly in the nature of writ of Mandamus and issue a consequential direction to the respondents to grant NOC and approval to the proposal made by the petitioner vide the application No.130 for establishment of a pharmacy College for the academic year 2004-2005.

**Counsel for the Petitioner:MR.S.SRI RAM**

**Counsel for the Respondents 1 & 3 : GP FOR HIGHER EDUCATION**

Counsel for the respondent No.2: Mr. S.S. Prasad

**WRIT PETITION NO : 27137 of 2003**

Between:

**Kakumani Educational Society (Regn.No.40/2002)**
**4/11, Bazaar Street, Puttur-517583, Chittoor Dist.**

... PETITIONER

**AND**

**1. The State of Andhra Pradesh, rep., by its**
**Principal Secretary to Govt., Higher Education Dept.,**
**Secretariat Buildings, Hyderabad.**
**2. The All India Council for Technical Education,**
**I.P.Estate, New Delhi.**
**3. The Commissioner of Technical Education,**
**Andhra Pradesh,Hyderabad.**
**4. Sri Vidyaniketan Educatonal Trust,**
**Sri Sainath Nagar,A.Rangampet,Near Tirupati,**
**Chandragiri Mandal, Chittoor Dist.**

.RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to declare

the policy decision of the 1st respondent in regard to issuance of No Objection Certificates for pharmacy Colleges for the academic year 2004-2005 as contained in the impugned proceeding 8972-D/EC.2/2003-1 dated 13-12-2003 and the consequential rejection of No objection Certificate to the petitioner society for establishment of a pharmacy College in the name and style of KKC Institute of pharmacy, Puttur vide impugned proceeding No.8972D/EC.2 dt.14-12-2003 addressed by the 1st respondent to the 2nd respondent, or in the alternative declare the issuance of No objection certificate by the 1st respondent for setting up a College of Pharmacy to the 4th respondent vide impugned proceedings No.8972/EC.2/2003-2 dt.14-12-2003 as arbitrary, illegal and irrational, offending Article 14 of the Constitution of India and issue a consequential direction to the respondents to grant No objection certificate and approval to the proposal made by the petitioner for establishment of a pharmacy College in Puttur vide the application No.0012 on and from the academic year 2004-2005 India by way of a writ, order or direction one more particularly in the nature of writ of Mandamus.

**Counsel for the Petitioner:MR.S.SRI RAM**

**Counsel for the Respondents 1 & 3 : GP FOR HIGHER EDUCATION**

**Counsel for the respondent No.2: Mr. S.S. Prasad**

**Counsel for the respondent No.4: Mr. V. Krishna Mohan**

**WRIT PETITION NO : 27247 of 2003**

Between:

**1. Raja Bahadur Venkata Rama Reddy Hostel Society**
**Regd.No.17/56F rep.by its Secretary Hanuman Tekdi,**
**Abids, Hyderabad.**
**2. G.Ramachandra Reddy, S/o. Late Shanker Reddy,**
**R/o. Hyderabad.**

.. PETITIONERS

**AND**

**1. All India Council for Technical Education,**
**rep. by its Secretary, Indira Gandhi Sports Complex,**
**I.P.Estate, New Delhi-110002.**
**2. All India Council for Technical Education Southern,**
**Region office, Shastri Bhavan, 26 Haddows Road,**
**Nungambakkam, Chennai-600006.**
**3. Government of A.P., Department of Higher Education,**
**rep. by its Principal Secretary, Secretariat, Saifabad,**

**Hyderabad.**
**4. The Commissioner of Technical Education,**
**Government of A.P., BRKR Bhavan,**
**7th Floor Hyderabad.**

.RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents 1 and 2 in issuing a notification and stating that they would not consider applications not recommended by the 3rd respondents and in not processing and considering the petitioner's application on the basis of said stipulation in the notification as being illegal, arbitrary, unconstitutional and contrary to the provisions of the AICTE Act and the Regulations made thereunder and consequently direct the respondents to grant permission to the petitioner to start an MBA College at its premises Hanuman Tekdi, Abids, Hyderabad for the academic year 2004-2005.

**Counsel for the Petitioner:MR.S.NIRANJAN REDDY**

**Counsel for the Respondents 1, 3 & 4: G.P. FOR HIGHER EDUCATION**

**Counsel for respondent No.2: MR.S.S.PRASAD**

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**WRIT PETITION NO : 27372 of 2003**

Between:

**Sri Venkata Krishna Educational Society**
**Regd. No. 150/82, rep by its Secretary**
**Chitturi Subbara Rao, Pervalli Road, Old Town Tanuku, West Godavari District 534211**

... PETITIONER

**AND**

**1. The Commissioner of Tech. Education, 6th floor,**
**D Block, BRKR Government Offices Complex,**

**Hyderabad**
**2. All India Council for Tech. Education,**
**Indira Gandhi Sports Complex, I.P Estate,**
**New Delhi-110002.**
**3. Regional Officer, Southern Regional Officer,**
**Southern Regional Officer, All India Council for Technical Education, Sastri Bhavan,**
**Haddows Rd., Chennai**
**4. Government of Andhra Pradesh (Department of Technical Education), rep by its Principles Secretary,**
**Higher Education, Secretariat, Hyderabad**

.RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate order or direction declaring the proceedings no. E2/23565/2003 dated
20-10-2003 and Memo No. 8972-D/EC.2/2003-1 dated
13-12-2003 as arbitrary, illegal, Unreasonable, unconstitutional and violative of Articles 14 and 19 (1) (g) of the Constitution of India and grant such other relief or reliefs as deemed fit in the circumstances of the case and in the interest of justice.

**Counsel for the Petitioner:MR.K.RAGHAVA CHARYULU**

**Counsel for the Respondents 1, 3 & 4: G.P. for Higher Education**

**Counsel for the respondent No.2: MR.S.S.PRASAD**

**WRIT PETITION NO : 413 of 2004**

Between:

**St. Mary's Educational Society ( Regn.No. 111916/1981)**
**Plot No. 181, Road No.15, Jubilee Hills,**
**Hyderabad - 500 003,**
**rep. by its Secretary Smt. Y. Mary.**

... PETITIONER

**AND**

**1. The State of Andhra Pradesh, rep. by its Principal Secretary to Government, Higher Education Department, Secretariat Buildings, Hyderabad.**
**2. The All India Council for Technical Education, I.P. Estate, New Delhi.**
**3. The Commissioner of Technical Education, Andhra Pradesh, Hyderabad.**

.RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to policy of the 1st respondent in regard to issuance of NOC for new MBA and MCA Colleges for the academic year 2004-2005 by impugned proceeding No. 8972/EC.2/2003-1 dated 13-10-2003 as communicated by the respondent No.1 to the 3rd respondent, the rejection of NOC by the 1st respondent to the proposal submitted by the petitioner in pursuance of the said policy and the consequential rejection of petitioner's application for establishment of MBA

College in the name and style of name and style of St' Mary's College, 8-3-229, Yousufguda, Hyderabad by the 2nd respondent vide impugned proceeding No. AP/MBA-065/2004-05/2003/448 dated 30-12-2003 as arbitrary and illegal offending Article 14 of the Constitution of India by way of issuance of a writ, order or direction, one more particularly in the nature of Writ of Mandamus and consequently direct the 2nd respondent to grant approval to the proposal of the petitioner for establishment of an MBA College in the name and style of St' Mary's College 8-3-229, Yousufguda, Hyderabad on and from the academic year 2004-2005.

**Counsel for the Petitioner:MR.S.SRI RAM**

**Counsel for the Respondents 1 & 3 : GP FOR SCHOOL EDUCATION**

**Counsel for the respondent No.2: Mr. S.S. Prasad**

**WRIT PETITION NO : 503 of 2004**

Between:

**Niraj Zorastrian Educational Society (Regd.No.5948/1999), Uma Nagar, R.J.Road, Begumpet,**
**Hyderabad, rep by its Secretary, Mr.Sam Bhagat**

... PETITIONER

**AND**

**1. The State of A.P., rep by its Secretary,**
**Higher Education Department,**
**Secretariat, Hyderabad**
**2. The All India Council for Technical Education,**
**I.P.Estate, New Delhi**
**3. The Commissioner of Technical Education, A.P.,**
**Hyderabad**

.RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to declare the policy of the 1st respondent in regard to issuance of no objection certificate for new MBA and MCA Colleges for the academic year 2004-2005 by impugned proceedings No.8972/EC.2/2003-I dated13-10-2003 as communicated by the respondent No.1 to the 3rd respondent, the rejection of NOC by the 1st respondent to the proposal submitted by the petitioner

application for establishment of MBA college in the name and style of Niruvana Institute of Education, Kadlakoya, Medcahal mandal, RAnga Reddy district, by the 2nd respondent vide impugned proceedings No.AP/MBA-028/2004-05/2003/419, dt.30-12-2003 as arbitrary and illegal, offending Article 14 of the constitution of India by way of issuance of a writ, order or direction one in the nature of writ of mandamus and consequently direct the 2nd respondent to grant approval to the proposal of the petitioner for establishment of a MBA College in the name and style of Niruvana Institute of Education, Kadlakoya, Medcahal mandal, RAnga Reddy district, on and from the academic year 2004-2005.

**Counsel for the Petitioner:MR.S.SRI RAM**

**Counsel for the Respondents : GP FOR HIGHER EDUCATION**

**WRIT PETITION NO : 1721 of 2004**

Between:

**Reah Educational Society, (Regn.No. 1405/2003)**
**Flat No. 407, Block-11, Major Residency Apartments, Masab Tank,**
**Hyderabad, rep. by its General Secretary Syed Kannam Saheb.**

.. PETITIONER

**AND**

**1. The State of Andhra Pradesh, rep. by its Principal**
**Secretary to Government, Higher Education Department,**
**Secretariat Buildings, Hyderabad.**
**2. The All India Council for Technical Education,**
**IP Estate, New Delhi.**
**3. The Commissioner of Technical Education,**
**Andhra Pradesh, Hyderabad.**

.RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to declare the policy of the 1st respondent in regard to issuance of No Objection Certificate for new MBA and MCA Colleges for the academic year 2004-2005 by impugned proceeding No. 8972/EC.2/2003-1, dated 13-10-2003 as communicated by the respondent No.1 to the 3rd respondent, the rejection of NOC by the 1st respondent to the proposal submitted by the petitioner in pursuance of the said policy and the consequential rejection of petitioner's application No. 0029 dated 13-10-2003 for establishment of MBA College at Kesaram village, Chevella Mandal, Ranga Reddy District, by the 2nd respondent vide impugned proceeding No. AP.MBA-036/2004-05/2003/426 dated 30-12-2003 as arbitrary and illegal, offending Article 14 of the Constitution of India by way of issuance of a writ, order or direction, one more particularly in the nature of Writ of Mandamus and consequently direct the 2nd respondent to grant approval to the proposal of the petitioner for establishment

of an MBA College at Kesaram village, Chevella Mandal, Ranga Reddy District, on and from the academic year 2004-2005.

**Counsel for the Petitioner:MR.S.SRI RAM**

Counsel for the Respondent Nos. 1 & 3 : GP FOR HIGHER EDUCATION

Counsel for the respondent No.2: Mr. S.S. Prasad

**WRIT APPEAL NO : 1406 of 2004**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 16/02/2004 in WP NO : 26433 OF 2003 on the file of the High Court.)

Between:

**All India Council for Technical Education,**
**rep., by its Secretary, Indira Gandhi Sports Complex,**
**I.P.Estate, New Delhi.**

..... APPELLANT

**AND**

**1. Aristotle Educational Society, 2-1-124/A/2,**
**Nallakunta, Hyderabad rep., by its Secretary,**
**K.Krishna Reddy**
**2. Government of A.P., rep., by Principal Secretary,**
**Higher Education Department, Secretariat Buildings,**
**Saifabad, Hyderabad.**
**3. Commissioner of Technical Education, Government of**
**A.P., Hyderabad.**

.RESPONDENTS

**Counsel for the Appellant:KUM.C.SINDHU KUMARI**

**Counsel for the Respondents 2 & 3 : GP FOR HIGHER EDUCATION**

**Counsel for the respondent No.1: Mr. Niranjan Reddy**

**WRIT APPEAL NO : 1469 of 2004**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 02/04/2004 in WP NO : 24153 OF 2003 on the file of the High Court.)

Between:

**All India Council for Technical Education, rep. by its Secretary, Indira Gandhi Sports Complex,**
**IP Estate, NEW DELHI-110 002.**

..... APPELLANT

**AND**

**1. Hyderabad Mahila Vidya Sangham, rep. by its Secretary,**
**P. Narasimha Reddy, 527, Narayanguda, Hyd.**
**2. P. Narasimha Reddy S/o. P. Ramachandra Reddy**
**Hyderabad.**

**3. Government of A.P., Department of Higher Education,**
**rep. by its Principal Secretary, Secretariat, Saifabad,**
**Hyderabad.**
**4. Commissioner of Technical Education,**
**Government of A.P., BRKR Bhavan, Hyderabad.**

.RESPONDENTS

**Counsel for the Appellant:KUM.C.SINDHU KUMARI**

**Counsel for the Respondent Nos. 1 & 2: MR.S.NIRANJAN REDDY**

**Counsel for the respondent Nos.3 & 4: G.P. for Higher Education.**

**WRIT APPEAL NO : 1773 of 2004**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 02/04/2004 in WP NO : 24153 OF 2003 on the file of the High Court.)

Between:

**1. Government of A.P., rep., by its Principal Secretary,**
**Higher Education Department, Secretariat, Saifabad,**
**Hyderabad.**
**2. Commissioner of Technical Education, Govt. of A.P.,**
**BRKR Bhavan, 7th Floor, Hyderabad.**

... APPELLANTS

**AND**

**1. Hyderabad Mahila Vidya Sangham, 527, Narayanaguda,**
**Hyderabad rep., by its Secretary P.Narasimha Reddy,**
**s/o P.Ramachandra Reddy**
**2. P.Narasimha Reddy, s/o P.Ramachandra Reddy,**
**r/o Hyderabad.**
**3. All India Council for Technical Education**
**rep., by its Secretary, Indira Gandhi Sports Complex,**
**I.P.Estate, New Delhi-110 002.**

.RESPONDENTS

**Counsel for the Appellants: GP FOR HIGHER EDUCATION**

**Counsel for the Respondents 1 & 2 : MR.K.MURALIDHAR REDDY**

**Counsel for the respondent No.3: Mr. S.S. Prasad**

**The Court made the following:**

**The Hon'ble Sri Justice B. Sudershan Reddy**
**a n d**

**The Hon'ble Sri Justice K.C.Bhanu**

**W.P. Nos. 25757, 26425, 26429, 26497, 26586, 26613, 26614,**

**26726, 26825, 27041, 27048, 27137, 27247 and 27372 of 2003;**

**W.P.Nos. 413, 503, 1721 of 2004**
**AND**
**W.A. Nos. 1406, 1469 and 1773 of 2004.**

**COMMON ORDER**: (per Sri Justice K.C. Bhanu)

As the issue involved in all these writ petitions and writ appeals is common, they are being disposed of by a common order:

The petitioners are the Institutes of Technology in Science and some of the Institutes are offering Bachelor Degree in Engineering and some of the Institutes are offering B.Pharmacy.

In pursuance of the Notification issued by the All India

Council for Technical Education ('AICTE' for short), all the petitioners have applied for grant of approval of starting a new technical institution for the academic years 2004-2005. Though some of the Institutes have applied for grant of establishment of new colleges for the academic year 2003-2004, they were not granted the same for that academic year. Therefore, those Institutes have renewed their applications for the academic year 2004-2005. The policy of the Government dated 13.10.2004, for establishment of new technical institutes for the academic year 2004-2005 in respect of Engineering Colleges is, (1) to allow establishment of Engineering colleges, only in uncovered revenue divisions and places, identified in G.O.Ms.No. 501 dated 4.8.2000, where no Engineering Colleges have been established so far and to colleges for which NOCs were issued by the State Government for academic year 2003-04 last year i.e. in between November 2002 and January, 2003 and, (2) also in respect of such societies who have got the land registered, obtained building permission and started construction before the AICTEs notification dated 1.8.2002 making mandatory to obtain State Government NOC.

The above permission is subject to maintaining the same standards for land and other facilities as existing prior to the latest notification by the AICTE vide advertisement No.AICTE/UG/2003 dt.11.9.2003.

In respect of Pharmacy colleges, Government shall permit for setting up fresh colleges in the District Headquarters except Hyderabad city.

In respect of M.B.A. and M.C.A. Colleges, no fresh applications from stand alone colleges be entertained. Further, in

respect of existing Engineering Colleges who have completed 10 years of their existence should have at least one MBA accreditation not less than 'B' category be permitted to apply for either MBA or MCA course. The existing stand alone MBA & MCA institutions shall be given notice that they will get MBA accreditation of at least two grades in the next two years as otherwise action would be initiated to disaffiliate the same and withdraw the recognition to them.

In pursuance of the said policy of the Government dated 13.10.2003, the Commissioner of Technical Education, Andhra Pradesh by his letter dated 20.10.2003 sought certain clarifications. For resolving the said clarifications, the Government constituted High Level Committee. The said committee was directed to scrutinize the reports of the Inspection teams constituted by the Commissioner of Technical Education in accordance with the policies of the State Government. The committee in its meeting held on 12.12.2003 recommended to the Government with a request to issue orders with regard to No Objection Certificate and thereafter communicate the same to the AICTE for consideration before 15.12.2003. The Committee is stated to have taken into consideration the policy laid down by the Government for establishment of new Technical institutions. The committee recommended for issue of No Objection Certificate in respect of certain institutions. In respect of the present petitioners the committee has not recommended, as the proposals are not in consonance with the Government policy for establishment of B.Pharmacy colleges and as the establishment of more colleges in B.Pharmacy is likely to give rise to unfilled seats in B.Pharmacy colleges.

The factual matrix in respect of making applications is not seriously disputed before this court. Learned counsel for some of the petitioners-Institutes Sri Koka Raghava Rao contended that the petitioners for which he is appearing have fulfilled all the norms for grant of No-Objection Certificate by the State Government but all of a sudden the State Government took a policy decision on 13.10.2003, which is not notified and no notice was given, and because of sudden change of policy the petitioners are deprived of getting No-Objection Certificate. Hence he prays to give direction to the respondents to grant No-Objection Certificate to the petitioners.

Sri C.V. Mohan Reddy, learned counsel appearing for some of the petitioners, contended that the policy of the State Government is irrational and that the policy cannot be in abdication of the jurisdiction of AICTE. Time-schedule is available to the State Government for forwarding the applications to the AICTE and overnight they cannot take a policy decision thereby depriving the petitioners to get No-Objection Certificate. He further contended that the State Government is a recommendatory body and for rejection of any of the application it shall record its reasons in writing. Therefore, he prays to direct the AICTE to consider the case of the petitioners for the academic year 2005-07 by moulding the relief, since the prayer in the writ petitions is to grant No-Objection Certificate for the academic year 2004-05.

Mr. Sri Ram, learned counsel appearing for some of the writ petitioners, contended that there is no indication in the policy as to the basis on which the policy required the colleges to be established within 10 Kms. of the Revenue Divisional Headquarters

and the parameters in the impugned policy are selectively applied in order to benefit the societies like 4th respondent – Sri Vidyaniketan Educational Trust which is located 22 kms. beyond Tirupati and that rejecting the No-Objection Certificate to the petitioners is irrational and arbitrary.

Mr. Sri Raghuram, learned counsel appearing for some of the writ petitioners, also contended on the similar lines of the other counsel appearing for the petitioners.

Mr. S. Niranjan Reddy, learned counsel appearing for some of the other writ petitioners, contended that the State Government did not recommend the individual cases of the institutions but only communicated the policy decision to the AICTE; that grant of refusal of a No-Objection Certificate by the State Government is not conclusive for establishment of new colleges. Even in the absence of No-Objection Certificate the AICTE has to process and consider the applications of the colleges, but simply returning the applications of the petitioners is nothing but non-application of mind and, therefore, he prays to direct the AICTE to consider the applications independently.

On the other hand, learned Government Pleader for Higher Education contended that the applications of the petitioners have been considered by the High Level Committee keeping in view the policy decision of the Government and therefore the No-Objection Certificates have not been issued. Hence there is no illegality in changing the policy of the Government considering the needs of the society. He further contended that as per the policy existing as on today, the Government decided not to establish any colleges in the

State and therefore the question of considering the applications or issue of No-Objection Certificate does not arise, as it would be a futile exercise to be undertaken by the AICTE.

On the other hand, learned standing counsel appearing for AICTE contended that as per the notification the applications not considered by the State Government shall not be processed by the Council. In any case, if the No-Objection Certificate issued by the State Government is not received by the cut-off date, the AICTE shall consider the applications for further processing and therefore the AICTE has taken independent decision and returned the applications of those institutions who have not fulfilled the conditions and hence there are no grounds to reconsider the same for this academic year.

There cannot be any dispute that unless the policy decision of the Government is patently arbitrary, discriminatory or mala fide or suffers from the vice of discrimination or infringes any statute or provisions of the Constitution, the said policy cannot be struck down. The administrative action is subject to judicial review only in regard to illegality or irrationality, namely, unreasonableness or procedural impropriety. The court is concerned with the fairness of the decision making process. In this context, it is pertinent to refer to a decision of the apex court in **Krishna Kakkanth v. Government of Kerala** wherein it is held that unless a policy decision is demonstrably capricious or arbitrary and not governed by any reason whatsoever or it suffers from the vice of discrimination or infringes any statute or the provisions of the Constitution, the policy decision cannot be struck down. It should be borne in mind that except for the limited

purpose of testing a public policy in the context of illegality or unconstitutionality, court should avoid embarking on uncharted ocean of public policy.

The State Government by its proceedings dated 13.10.2003 laid down its policy for establishment of new technical institutions in the State for the academic year 2004-2005. In respect of Engineering colleges, the policy of the State Government is to allow establishment of Engineering Colleges only in uncovered Revenue Divisions and places identified in G.O.MS.NO. 4.8.2000. In respect of Pharmacy Colleges, the decision of the Government is to permit for setting up fresh colleges in the District headquarters except Hyderabad city. In respect of MBA and MCA colleges, the policy of the Government is that no fresh applications from stand alone colleges be entertained.

As per the notification issued by the AICTE, New Delhi, it shall be necessary for the applicants to obtain No-Objection Certificate from the concerned State Government/ UT on or before the cut-off date specified by the Council. The No-Objection Certificate from the State Government in respect of a proposal for establishment of new technical institutions or introduction of additional course(s) or programme(s)/ increase in intake, received after the cut-off date, shall not be considered by the Council under any circumstances. Another addition is that the State Government shall record its reasons in writing in respect of the proposals of the applications where No-Objection Certificate is not granted. It is also made clear in the notification that if no communication regarding No-Objection Certificate is received in the AICTE headquarters from the State

Government/ UT in respect of the proposals/applications, as on the cut-off-date, the Council shall consider the applications for further processing.

The prayer in some of the writ petitions is to consider the applications of the petitioners-Institutes and to process the applications by the AICTE. In some of the writ petitions, the prayer is to direct the State Government to grant No-Objection Certificate for the academic year 2004-05. While the writ petitions are pending, the State Government has taken a policy decision with regard to establishment of technical institutions in the State for the academic year 2005-06 by its proceedings Memo No.1080/EC.2/2004 dated 14.12.2004 wherein the State Government have decided not to consider establishment of new Engineering colleges in the State during the academic year 2005-2006 and the said policy in respect of Engineering Colleges shall also be applicable in respect of colleges who have applied in response to AICTE notification of 2003 for academic year 2004-05 and were not given NOCs in the format prescribed and in whose cases, status reports were sent to AICTE after the cut off date for issue of NOCs was over and whose cases were requested to be considered by AICTE for academic year 2005-06 vide Lr.No.5224/EC.2/2004 dated 7.9.2004 in case they make fresh applications and satisfy the Government policy. In respect of B.Pharmacy colleges, the State Government shall not permit establishment of any more B. Pharmacy colleges in the State for academic year 2005-06. The said policy decision shall also be applicable in respect of colleges who have applied in response to AICTE notification of 2003 for the academic year 2004-05 and were not given NOCs in the format prescribed and in whose cases, status

reports were sent to AICTE after the cut off date for issue of NOCs was over and whose cases. So also, in respect of MBA and MCA colleges, no applications for establishment of stand alone colleges shall be considered by Government for being established during academic year 2005-06.

The said policy decision has not been challenged so far in these proceedings by way of amendment or by way of filing additional affidavit. The policy decision of the Government dated 14.12.2004 not only applies to the proposed new technical institutions or B. Pharmacy colleges for the academic year 2005-06 but also to those who have applied in response to the AICTE notification of 2003 for academic year 2004-05. In all these cases, the petitioners have applied to the State Government for issuance of No-Objection Certificate for establishment of new colleges in pursuance of the notification of 2003 of AICTE for the academic year 2004-05. Therefore, in view of the change of policy of the Government, it would be a futile exercise to give directions to the AICTE to consider the applications of the petitioners-Institutions or to direct the State Government to issue No-Objection Certificates or to process their applications to the AICTE in the absence of change of the policy of the Government dated 14.12.2004. It is no doubt true that this court can mould the relief in view of the changed circumstances that took place after filing of the writ petitions, but at the same time the relief prayed for in these writ petitions cannot be moulded so as to give directions to AICTE to process their applications because of bar on establishment of new technical institutions in the State for the academic year 2005-06. Even if the applications of the petitioners

have been considered by AICTE and even assuming for a moment that AICTE would grant permission for establishment of new colleges, the same cannot be carried out or the writ petitioners cannot establish their new colleges because of the change in the policy of the Government. In this context, it is pertinent to refer to Section 20 (4) of the A.P. Education Act, which reads as follows:

> "On and from the commencement of the Andhra Pradesh Education (Amendment) Act, 1987, no educational institution shall be established except in accordance with the provisions of this Act and any person who contravenes the provisions of this section or who after the permission granted to him under this section having been cancelled continues to run such institution shall be punished with simple imprisonment which shall not be less than six months but which may extend to three years and with fine which shall not be less than three thousand rupees but which may extent to fifty thousand rupees".

Therefore, from the above provision it is clear that the permission of the State Government is mandatory for establishment of new college even if the AICTE grants permission for establishment of new institution.

Insofar as W.A. Nos. 1406 of 2004 and 1469 of 2994 , filed by the AICTE are concerned, the AICTE is aggrieved with regard to the observations made by the learned single Judge that the appellant-2nd respondent shall consider the applications of the petitioners therein for grant of permission for the academic year 2004-05 without reference to the cut-off date notified for receipt of No-Objection Certificate from the State Government. The said direction is

contrary to the notification itself, because the No-Objection Certificate of the State Government has to be received by the appellant within the cut-off date as specified in the notification. Therefore, a Mandamus cannot be issued directing the appellant-AICTE to act contrary to the said notification. Therefore, the W.As. 1406 of 2004 and 1469 of 2004 are allowed.

W.A. 1773 of 2004 is filed by the State Government against the order of the learned single Judge in W.P. 24153 of 2003 dated 2.4.2004 setting aside the policy and directing to issue No-Objection Certificate. In view of what is stated above, the order of the learned single Judge cannot stand and therefore the same is set aside and the writ appeal is allowed.

Insofar as W.P. 27137 of 2003 is concerned, the grant of No-Objection Certificate in respect of 4th respondent-Institute is under challenge by making an alternative plea. Since on the main issue this court has already come to the conclusion that all these writ petitions are futile writs in view of the change in the policy of the State Government, unless the policy of the State Government is under attack with required factual foundation, the same cannot be considered. Therefore, the alternative prayer of the petitioner herein is left open so as to challenge the proceedings dated 14.12.2004, in respect of No-Objection Certificate issued to 4th respondent-Institute.

Therefore, all the writ petitions are devoid of merit and they are accordingly dismissed. The W.A. Nos. 1406, 1469 and 1773

of 2004 are allowed setting the impugned orders dated 16.2.2004, 1.4.2004 and 2.4.2004 of the learned single Judge in W.P. Nos. 26433 of 2003, 24153 and 24153 of 2003 respectively.

However, this order of ours shall not preclude the petitioners to challenge the Government policy in a properly constituted proceedings and to also raise all the issues raised in this batch of writ petitions, since we have not expressed any opinion whatsoever on any of those contentions but dismissed the writ petitions in view of the Government policy not to permit any new educational institution to be established.

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**B. Sudershan Reddy, J.**

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**K.C. Bhanu, J.**

**Date: 31--01—2005.**

MVB.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

**1 The Principal Secretary, Government of A.P., Higher Education Department, Secretariat Buildings, Saifabad, Hyderabad.**
**2 Commissioner for Technical Education, Govt. of A.P., Hyderabad.**
**3 The Secretary, All Indian Council for Technical Education, Indira Gandhi Sports Complex, I.P. Estate, New Delhi.**

**4. The Correspondent, Blue Bird Education Society at 3-1-490, Raipura village, Hanamkonda, Warangal District.**

**5. The Correspondent, Vikas College of Pharmacy, Shamirpet village, Jangaon Mandal, Warangal District.**

**6. The Correspondent, Sri Vidyaniketan Educational Trust,**

**Sri Sainath Nagar, A.Rangampet, Near Tirupati,**

**Chandragiri Mandal, Chittoor District.**

**7. The Secretary, Hyderabad Mahila Vidya Sangham, 527, Narayanguda, Hyderabad.**

**8. Two C.Cs. to Government Pleader for Higher Education, High Court Buildings, Hyderabad (OUT)**

**9. Two C.D. copies**